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Federal Communications Commission

DA 99-3041

DISPATCHED AT

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),	)	MM Docket No. 99-305
Table of Allotments,	)	RM-9537
FM Broadcast Stations.)	
(Alberton, Montana))	
)	
(Big Sky, Montana)	)	MM Docket No. 99-307
	)	RM-9739
)	
(Albany, Texas)	)	MM Docket No. 99-286 ✓
	)	RM-9713
)	
(Seymour, Texas)	)	MM Docket No. 99-303
	)	RM-9737
)	
(Inglis, Florida)	)	MM Docket No. 99-306
	)	RM-9729
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 29, 1999

Released: January 7, 2000

By the Chief, Allocations Branch:

1. The Commission has before it five separate Notices of Proposed Rule Making ("NPRMs"), as specified below, setting forth separate proposals to allot channels to specific communities. Although these NPRMs were issued separately and the proposals are not mutually exclusive with each other, we are consolidating them in this Report and Order as part of our effort to expedite and make more efficient the FM allotment rulemaking process because these proceedings are uncontested. While consolidated, these dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition.
2. Each petitioner filed comments in support of its proposal, reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements, and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MM Docket No. 99-305; RM 9537; DA No. 99-2187, adopted October 6, 1999

Action: At the request of Mountain West Broadcasting we are allotting Channel 294C3 at Alberton, Montana, as that community's second local broadcast service.

Coordinates: 47-00-06 NL and 114-28-21 WL

Additional Information: Channel 294C3 can be allotted to Alberton without a site restriction. Since Alberton is located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government has been obtained for this allotment.

FCC Contact: Kathleen Scheuerle, (202) 418-2180

B. MM Docket No. 99-307; RM-9739; DA No. 99-2187, adopted October 6, 1999

Action: At the request of R. Steven Hicks, we are allotting Channel 242A to Big Sky, Montana, as the community's second local broadcast service.

Coordinates: 45-16-02 NL and 111-22-14 WL

Additional Information: Channel 242A can be allotted to Big Sky with a site restriction 7.1 kilometers (4.4 miles) west of the community.

FCC Contact: Kathleen Scheuerle (202) 418-2180.

C. MM Docket No. 99-286; RM-9713; DA No. 99-1883, adopted September 8, 1999

Action: At the request of Albany Broadcasting Company, we are allotting Channel 255A at Albany, Texas, as that community's first local broadcast service.

Coordinates: 32-43-36 NL and 99-17-42 WL

Additional Information: Channel 255A can be allotted to Albany without a site restriction.

FCC Contact: Kathleen Scheuerle, (202) 418-2180

D. MM Docket No. 99-303; RM-9737; DA No. 99-2187, adopted October 6, 1999

Action: At the request of Seymour Broadcasting Company, we are allotting Channel 254A to Seymour, Texas, as the community's second local FM broadcast service.

Coordinates: 33-29-57 NL and 99-15-06 WL

Additional Information: Channel 254A can be allotted to Seymour with a site restriction 10.1 kilometers (6.3 miles) south of the community.

FCC Contact: Kathleen Scheuerle, (202) 418-2180

E. MM Docket No. 99-306; RM-9729, DA No. 99-2187, adopted October 6, 1999

Action: At the request of Levy County Broadcasting, we are allotting Channel 257A to Inglis, Florida, as the community's second local FM broadcast service.

Coordinates: 29-07-49 NL and 82-41-19 WL

Additional Information: Channel 257A can be allotted to Inglis with a site restriction 11.1 kilometers (6.9 miles) north of the community. WGUL-FM, Inc. ("WGUL"), licensee of a number of stations in Florida, including Station WXOF, Yankeetown, Florida, objects to the proposed allotment at Inglis. WGUL voiced its concerns with the Commission allotting FM channels to communities the size of Inglis. WGUL contends that the Commission should give some consideration of whether a station on the allotted channel at the allotted community has a chance of providing service in the public interest, convenience and necessity. WGUL feels that perhaps the channel should be preserved for some other station to use it as an upgrade, or even as some low power FM station to serve a neighborhood in the future. With respect to WGUL's concerns, we do not address the potential economic impact of new allotments on existing stations in the rule making process. See FM Channel Assignments; Policies Regarding Detrimental Effects of proposed New Broadcast Stations on Existing Stations, 3 FCC Rcd 638 (1988), affirmed, 4 FCC Rcd 2276 (1989).

FCC Contact: Kathleen Scheuerle, (202) 418-2180

3. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective February 22, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

Community	Channel No.
Alberton, Montana	288C2, 294C3
Big Sky, Montana	283A, 242A
Albany, Texas	255A
Seymour, Texas	230C2, 254A
Inglis, Florida	257A, 282A

4. The window period for filing applications for the commercial allotments will not be opened at

this time. Instead, the issue of opening a filing window for the commercial allotments will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact the FCC Contact person listed above for that docket. Questions related to the application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau